



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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September 2, 2008

Kenneth Myers
Federal Highway Administration
Virginia Division
P. O. Box 10249
400 N. 8th Street Room 705
Richmond, Virginia 23240

Subject: U.S. 460 Location Study Project, Transportation Improvements from I-295 in Prince George County to the Interchange of Route 460 and 58 along the Suffolk Bypass Route 460 Location Study, Final Environmental Impact Statement, June 2008, CEQ # 20080294

Dear Mr. Meyers:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) offers the following comments regarding the Route 460 Location Study Final Environmental Impact Statement (FEIS). Route 460 is a proposed Virginia Department of Transportation (VDOT) highway facility that would connect the City of Suffolk and I-295 in Prince George County, Virginia. The study area extends approximately 55 miles and includes the counties of Prince George, Sussex, Surry, Southampton, Isle of Wright and the City of Suffolk.

The DEIS evaluated three build alternatives: CBA1 on new alignment, CBA 2 upgrading existing Route 460, and CBA 3 on new alignment. In our letter dated August 4, 2005 we stated that CBA 2 was the least damaging to aquatic and other natural resources and may be the least environmentally damaging practicable alternative that would address all elements of the purpose and need.

According to Page S-2 of the FEIS, there are two alternatives retained: CBA 1 and the Preferred Alternative which is the net result of several resolutions issued by the Commonwealth Transportation Board. The Preferred Alternative is similar to CBA 1 except for an alignment shift in Isle of Wight County. Through the alignment shift, the Preferred Alternative would reduce residential impacts by 14 and wetland impacts by 9 acres compared to CBA 1. There is no comparison provided that includes CBA 2 or CBA 3.

The Preferred Alternative would impact 515 acres of agriculturally zoned land, 1,173 acres of prime farmlands, 11,752 linear feet of perennial stream, 21,336 linear feet of intermittent stream, 1,169 acres of forest, 129 acres of wetlands, and 136 residence will be affected by noise with no cost effective noise barriers.



The FEIS states additional strategies for avoidance and minimization have been suggested to reduce the natural resource impacts of the Preferred Alternative to a level comparable to CBA. The project team should make every effort to avoid and minimize environmental and residential impacts to the maximum extent possible. While CBA 2 has the least impact to the environment of the alternatives evaluated, these impacts are still significant.

While the FEIS provides many suggestions for minimization and mitigation strategies, we recommend that the team use green highway technologies, consider additional bridging, design culverts to provide adequate light and habitat for aquatic and terrestrial wildlife passage, comply with Executive Order 13112 regarding Invasive Species, and work with the state and federal agencies on an appropriate mitigation package. We will comment further in the 404 permit process.

Based on the responses to our comments on the DEIS and the information provided in this document, we still have concerns regarding the environmental justice assessment and the appearance that this project has a disproportionate impact upon low-income and minority residents. The unincorporated communities in the study area may not have received adequate attention and consideration during the study phase of this project.

- Based on the information provided in the FEIS, the preferred alternative generates the same environmental justice questions and concerns as those generated by CBA 1 as presented in the DEIS. In reviewing Table 4.5, Characteristics of Displaced Residents, a total of 71 of the 91 (78%) displacements described for the Preferred Alternative occur among elderly, minority and low-income residents. In alternative CBA 1 from the DEIS 81 of 103 (62%) displacements would have occurred among the elderly, minority and low-income populations. These trends raise questions regarding the rationale and selection process for the displacements. The justification provided in the document leaves many of the concerns unanswered.
- The assertion that the overall number of displacements is approximately the same as was presented in the DEIS, and is therefore not disproportionate may be incorrect. The evaluation of any perimeter using an inappropriate benchmark for comparison may result in a flawed assessment and conclusion. Since there were concerns related to the extremely high number of displacements of low income, minority and elderly residents presented in the DEIS, conducting an assessment that compares those numbers to the displacements presented for the preferred alternative may not be an appropriate comparison. The conclusion that there was no disproportionate impact on the target population because the displacements cited for the preferred alternative and those cited for CBA 1 were about the same is a concern. Both sets of data, CBA 1 and the preferred appear to represent a disproportionate impact. The number of displacements of minority residents alone greatly exceeds the percentage of minorities living in the state and in the area. By definition, the minority displacements are disproportional. There should be a detailed explanation presented to explain the selection process and justification for the selection of who is to be displaced and why.



78% of the combined displacements will impact elderly, minority and low income residents. The burden seems to be placed on those populations. What was the nature of the process that leads to these conclusions? What is the reaction of the residents who are being most severely impacted? How were they engaged in the decision making process?

- We continue to remain concerned regarding the lack of information for the unincorporated areas. It does not seem reasonable to conduct an assessment of an area for the purposes stated in this project without having complete information on all of the communities in the area.

Thank you for the opportunity to offer these comments. If you have any questions regarding our letter please feel free to contact Barbara Okorn at (215)814-3330.

Sincerely,



William Arguto,
Office of Environmental Programs
NEPA Team Leader

